

OCT 14 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Zicker, *et al.*
Application No: 10/065,326
Filed: October 3, 2003
Group Art Unit: 1617
Confirmation No: 9314
Examiner: Jennifer M. Kim
Date: October 14, 2005
Attorney Reference: 7017-00
Title: METHOD OF USING OMEGA-3 FATTY ACIDS

NOTICE OF APPEAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Applicants hereby provide Notice of Appeal pursuant to 37 CFR §41.31(a) to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Office Action dated June 16, 2005, finally rejecting Claims 1-7 and 9-11 in the Application.

Please charge the fee for filing a Notice of Appeal pursuant to 37 CFR §41.20(b)(1) to Deposit Account No. 502957.

Applicants respectfully request an extension of time to permit filing of this Notice of Appeal within one (1) month subsequent to expiration of the shortened statutory period set in the Office Action. Please charge the \$120 fee required by 37 CFR §1.136 and §1.17 to Deposit Account Number 502957.

Please charge any shortage in fees or credit any excess fees during the entire pendency of this Application to Deposit Account No. 502957.

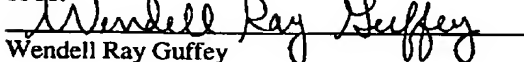
Respectfully submitted,


Wendell Ray Guffey
Reg. No. 31,762
Phone: 785-286-8285
Email: ray_guffey@hillspet.com

Hill's Pet Nutrition, Inc.
Capitol Tower Building
400 SW 8th Avenue
Topeka, Kansas 66603

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 14, 2005 at facsimile number 571-273-8300.


Wendell Ray Guffey

RECEIVED
OIPE/IAP

OCT 17 2005

10065326

10/17/2005 LMDNDIM1 00000045 502957

120.00 DA

01 FC:1231